IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 784l of 2004

K.R.Bhagat through LRs . petitioners

vs

The Tahasildar Khanapur and ors.respondents

Mr.Shiva Patil for Petitioners

Mr. P.M.Patil AGP for respondents

CORAM:A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 3.l2.2004

P C:

Heard advocates.

l. The petitioner who was a retired Army Personnel was allotted land admeasuring 6 acres and 5 gunthas of vide order dated 22.3.l976 and M E No.l6905. It appears that the petitioner has encroached upon the adjoining land to the extent of 8 acres and 85 gunthas.This adjoining land is not allotted to the petitioner. It appears that in l967 this land of 8

acres and 85 gunthas was given to the petitioner on eksali basis which was only for the period l997-98. Thereafter the lease was not renewed. In the circumstances petitioner is not entitled to claim any right over the said 8 acres and 35 gunthas of land. The learned counsel appearing for the petitioner however sought to contend that even assuming that the petitioner was a trespasser on the said land of 8 acres and odd he is protected by Government Resolution dated 22.3.l969 and his possession is liable to be regularized as per the provisions contained in the said Government Resolution. The learned AGP submitted that the petitioner is not in possession of the said land and the said land is allotted to another ex- Army personnel. Under the circumstances no interference is warranted under Article 226 of the Constitution. Petition is dismissed.